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THE

## INTERIM

A REPORT OF INTERIM ACTIVITY . . . MONTANA LEGISLATIVE COUNCIL . . . HELENA

DECEMBER 1984

VOL. IV, NO. 19

## WELCOME TO NEWLY-ELECTED MEMBERS

This is the last issue of Volume IV. Volume V begins next June. Newly-elected members are receiving the Interim for the first time this month. This newsletter is one of the services provided by the Legislative Council to help keep members informed on legislative activities. We include a brief summary of committee activities and projected meeting dates and agendas. We also include important information that you as a legislator may need to know.

## LEGISLATIVE COUNCIL

MEETING HELD  
NOVEMBER 16;  
MT/ALTA  
EXCHANGE

The Legislative Council met November 16. Among the items considered was a discussion of recent exchanges between Montana and Alberta legislators. Representative Dennis Iverson reviewed the important potential for Montana in pursuing discussions on trade and other issues with our Alberta neighbors. He also proposed the establishment of a formalized structure such as a committee under the auspices of the Legislative Council to continue the discussions. Dr. Lauren McKinsey of MSU's 49th Parallel Institute also briefed the Council on the Institute's recent activities and previewed the report prepared by the Institute in response to House Joint Resolution No. 47 of the last session. The report will be available to you during the session. The Council will make a final decision on Representative Iverson's proposal at the next meeting.

INTERNS  
SELECTED

The Council selected 15 interns from Montana colleges and universities to serve under the intern program this session. Fourteen senators and 24 representatives were selected as sponsors for the interns. The sponsors receive valuable assistance from the interns while the interns

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learn first-hand what is really involved in the legislative process from a legislator's perspective.

**BILL STATUS  
SYSTEM**

Members of the Legislature and the public will benefit from a sophisticated new on-line bill status inquiry system to be used during the next session. Many of you were familiar with the system available in the past few sessions in the form of terminals in the House foyer and outside the Senate. This session more and better information will be available on a completely redesigned system. Committee hearing schedules, for example, will be included. The Council previewed the system during the November 16 meeting.

**LOGO TO  
BE USED**

Council members had been concerned that many of the services provided to the Legislature by the Council have not been noticed because of the lack of a distinctive marking. To remedy this, a logo has been designed and adopted. This logo will appear on all documents prepared or published by the Council office in the future. Here is a sample:



**NEXT MEETING  
JANUARY 4**

The Council's next meeting is scheduled for January 4 at 1:00 p.m.

**JOINT INTERIM SUBCOMMITTEES**

The four joint interim subcommittees active during the past interim have conducted nine of ten studies requested by the last legislature and assigned by the Legislative Council. Final reports are in the final stages of preparation and approval. You will be notified when these and other reports are available. In keeping with recent policy, we will distribute to you only those reports you request. We hope this meets with your approval and helps you concentrate on those issues of greatest concern to you.

JOINT INTERIM SUBCOMMITTEE NO. 3

COURT  
UNIFICATION

The Subcommittee, following extensive public testimony and deliberation on seven bill drafts relating to its court unification study (SJR 25), adopted two for recommendation to the 1985 Legislature:

- LC 31, requiring the Supreme Court administrator to conduct orientation courses and training sessions for clerks of district court, deputy clerks of district court, and persons who perform duties similar to those of the clerk of district court for justices', municipal, and city courts; and
- LC 32, requiring the state to fund district court expenses in criminal cases only and requiring the Legislature to provide full funding for the district court grant program.

PENSION  
OVERSIGHT

As part of its study on assisting the Legislature in public pension decisionmaking (HJR 44), the Subcommittee agreed to submit LC 9 for consideration during the 1985 session. This bill creates a six-member Pension Policy Commission. As proposed, the Commission will terminate June 30, 1989.

INSURANCE  
LAWS, HJR 29

In completion of the study on various insurance issues, the Subcommittee heard testimony on LC 138, a draft bill that would provide certain exclusions to the statute which will prohibit gender discrimination in insurance practices. The Subcommittee also considered LC 137 which would repeal that statute before it becomes effective on October 1, 1985. The Subcommittee did not recommend either draft bill.

Also under consideration was draft bill LC 143 that would improve the enforcement of the mandatory motor vehicle liability insurance law by allowing the Motor Vehicle Division to random sample the owners of all registered vehicles for verification of insurance. After discussion on the difficulties and cost of such a program, the Subcommittee rejected the proposal and requested instead that Montana law enforcement officers be encouraged to check regularly for proof of insurance when apprehending persons for other violations. The Subcommittee recommended a draft bill that would dedicate to the highway patrol retirement fund 10% of fines collected by highway patrolmen for violation of the vehicle liability insurance law.

## ADMINISTRATIVE CODE COMMITTEE

MEETING OF  
NOVEMBER 16

The Administrative Code Committee met on November 16. The Committee considered 1984 MAR Issues 16 through 20. The Committee heard from the Board of Education and the Office of the Superintendent of Public Instruction on the Board's rules implementing gifted and talented pupil programs. The Committee advised the Board that if it wanted to require school districts to have these programs it should seek authorizing legislation.

The Committee adopted a resolution directing agencies to adopt as formal rules, policies which they were enforcing as law. The Committee does not contemplate meeting in December.

## REVENUE OVERSIGHT COMMITTEE

NOVEMBER 9  
MEETING

RAILROAD  
TAXATION  
MAJOR ISSUE

The Revenue Oversight Committee held its ninth meeting of the interim on November 9 in Helena. What had been planned as a one-day meeting became a day-and-a-half due to the Committee's interest on the issue of the property tax classification system and taxation of railroad property. A Subcommittee had volunteered in October to closely examine the two issues together and to bring some options back to the full Revenue Oversight Committee. The options were presented as the second order of business, and the remainder of the day was given to the issue.

The Committee members had the benefit of three expert witnesses for this discussion. Mr. Bob Gustafson, an equalization and statistics specialist for the California Board of Equalization and consultant to the Committee, was on hand to advise the Committee on options for complying with federal legislation granting protection to certain kinds of transportation property.

The Burlington Northern Railroad provided two consultants of its own to the Committee, Dr. Fred Ekeblad, a tax equalization expert from (formerly) Northwestern University and now of Niantic, Connecticut, and Dr. John Davis, an industrial appraisal expert from Montgomery, Alabama.

The day-long discussion resulted in a request by the Committee for two draft bills to be discussed at the December 8 meeting. The first bill would, among other things, combine several existing

classes of property into new classes generally described as "noncommercial property", "commercial and industrial property", "centrally assessed property", and "railroad and airline property". The second would expand on the first by separating "commercial and industrial property" into real property and personal property. The two bills are the first order of business at a December 8 meeting.

The Committee's other activities included a presentation by Representative Glenn Roush of the final report and recommendations of the Coal Tax Oversight Subcommittee. The Revenue Oversight Committee approved the final report of the Coal Tax Oversight Committee and adopted motions to recommend two bills developed and adopted by the CTO Subcommittee to the 49th Legislature.

NEXT MEETING  
DECEMBER 8

The next meeting of the Revenue Oversight Committee is set for December 8 at 8:30 a.m. in Room 104 of the Capitol.

COAL TAX OVERSIGHT SUBCOMMITTEE

BILLS  
RECOMMENDED  
NOVEMBER 8

During the final meeting of the interim on November 8, the Subcommittee voted to recommend for passage LC 178, a bill to establish an impact-of-decline account to receive unexpended Coal Board appropriations, giving the Coal Board authority to designate local government units for population growth or decline, and to reduce from 50 percent to 25 percent the proportion of grants that must go to designated areas.

OTHER  
MEASURES  
FALL SHORT

LC 8, which would have clarified the law on repayment of Coal Board loans, and LC 81, which would have reduced the severance tax by allowing a \$2 a ton deduction from the contract sales price for hauling, crushing load-out, and reclamation costs, failed to win recommendation because of tie votes.

CONTINUING  
OF IMPACT  
STUDY

The Subcommittee decided to inform the North Dakota Tenneco Plant Committee that it favored continuing planning for mitigation of impacts but declined to establish a funding mechanism now.

The Subcommittee also agreed to support the use of coal severance tax funds for coal research and development without designating a specific amount. Participation of the private sector was encouraged to establish a revolving, self-sustaining fund.

## ENVIRONMENTAL QUALITY COUNCIL

FULL EQC TO MEET  
DECEMBER 10      The Environmental Quality Council will meet on Monday, December 10, at 1:30 p.m. in Room 104 of the Capitol. The Council will adopt final legislative recommendations based on the Subcommittee work during the interim. The Council will also continue its review of leaking underground storage tanks, subdivision, and hydropower at state-owned dams for possible legislative action. EQC staff will present a status report on the Montana Environmental Policy Act.

EQC  
SUBCOMMITTEES      The Natural Resources Oversight Subcommittee has tentatively scheduled a meeting for Sunday, December 9, at 5:00 p.m. in Room 104 of the Capitol. The Subcommittee will take final action on the legacy program and hard rock mining amendments. The Water Oversight Subcommittee will hold a breakfast meeting at 7:30 a.m. on December 10 at Jorgenson's, and the Toxic Substances Subcommittee will meet in Room 104 of the Capitol at 9:00 a.m. on December 10 to complete action on weed and worker right-to-know legislation.

## LEGISLATIVE AUDIT COMMITTEE

NEXT MEETING      The Legislative Audit Committee will meet on December 13 and 14 in Room 104 of the State Capitol.

The Committee will receive and review various financial/compliance audit reports including the Public Employees' Retirement Division, Department of Labor and Industry, Department of Natural Resources and Conservation, Office of Public Instruction, Long-Term Obligations, and Statewide Audit. Performance audits to be reviewed include Medicaid Administrative Support Functions and the Department of Vocational Education Services of the Department of Public Instruction.

The Committee will also receive and review the contract audit reports on the Alcohol and Drug Abuse Division of the Department of Institutions and the Montana College of Mineral Science and Technology.

REPORTS  
AVAILABLE      Copies of all reports are available from the Office of the Legislative Auditor, Room 135, State Capitol, telephone 444-3122, after being presented to the Legislative Audit Committee and released to the public.



## SELECT COMMITTEE ON WATER MARKETING

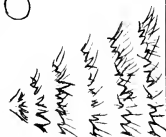
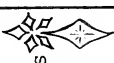
### DECEMBER 3 MEETING TO MAKE FINAL RECOMMEND- ATIONS

The Select Committee on Water Marketing will meet on December 3 to review recommendations and draft legislation. During a meeting on November 8 and 9, the Committee tentatively agreed to a series of recommendations relating to state water policy. In general the Committee has recommended a permanent repeal of the statutory ban on water export, and a repeal of the ban on using water for coal slurry purposes. The recommendations would provide additional safeguards for Montana's water by permanently implementing the public interest criteria and adding some additional criteria for large appropriations of water. Although coal slurry would not be banned, the Committee recommends that siting of pipelines of a certain size be covered by the provisions of the Major Facility Siting Act. The Committee has recommended a limited water leasing program for water impounded in state or federal reservoirs. Other recommendations proposed during the November meeting would require preparation of water reservations on the Missouri River, establishing a permanent legislative water policy committee and financial support for completion of the statewide water adjudication program and extension of the Reserved Water Rights Compact Commission.

The meeting on December 3 will begin at 9:00 a.m. in Room 104 of the Capitol.

\*all dates are subject to change

LEGISLATIVE INTERIM CALENDAR

| SUNDAY  | MONDAY   | TUESDAY   | WEDNESDAY | THURSDAY                                     | FRIDAY   | SATURDAY                                  |
|---|--|---|-----------|--|--|---|
|   |  |   |           |  |  | 1   |
| 2   | 3<br>EQC-Water<br>Marketing<br>Rm. 104-9:30  | 4   | 5         | 6  | 7  | 8<br>Revenue<br>Oversight<br>Rm. 104-8:30 |
| 9<br>EQC-Nat. Res.<br>Subcomm.<br>Rm. 105-5pm | 10 EQC<br>Rm. 104-1:30<br>Water Res.<br>Subcomm.<br>Jorgenson<br>7:30am<br>Toxic Subst.<br>Rm. 104-9am | 11  | 12        | 13<br>Legislative Audit Committee<br>Rm. 104 | 14   | 15  |
| 16  | 17   | 18  | 19        | 20   | 21   | 22  |
| 23  | 24   | 25<br>CHRISTMAS<br>DAY<br> | 26        | 27   | 28   | 29  |
| 30  | 31   |   |           |  |  |   |

# LEGISLATIVE INTERIM CALENDAR

JANUARY

SATURDAY

FRIDAY



THURSDAY

WEDNESDAY

TUESDAY

MONDAY

SUNDAY

|    |                               |   |  |  |                                    |    |
|----|-------------------------------|---|--|--|------------------------------------|----|
|    |                               | 1<br>NEW YEAR'S<br>DAY<br> | 2  | 3  | 4<br>Legislative<br>Council<br>1pm | 5  |
| 6  | 7<br>SESSION OPENS<br>12 Noon | 8   | 9  | 10   | 11                                 | 12 |
| 13 | 14                            | 15  | 16   | 17<br>General Bill<br>request dead-<br>line  | 18                                 | 19 |
| 20 | 21                            | 22<br>Gen. Bill<br>Introduction<br>deadline   | 23   | 24<br>Revenue Bill<br>Request dead-<br>line  | 25                                 | 26 |
| 27 | 28                            | 29  | 30<br>Revenue Bill<br>Introduction<br>deadline | 31<br> |                                    |    |

DEADHEAD (20)

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